

## **REMARKS/ARGUMENTS**

### ***Amendments in General***

1. In the specification, the first full paragraph on page 11 has been amended to include the sentence "The container 12 contains the agitation means 16." These agitation means were included in the claims of the application as originally filed. This amendment adds no new matter to the application, and acceptance of this amendment is respectfully requested.
2. In the drawings, Figures 1 and 2 have been amended to include the presence and location of the agitation means 16. These amendments to the drawings also add no new matter to the application and acceptance of these amendments is respectfully requested.
3. Claims 1 and 16 have been amended to remove the phrase "in a position below sea level."
4. Claims 4, 6-14, 16, 19, 21-23, and 25-28 have all been amended to remove the problems associated with having multiple dependent claims depending from multiple dependent claims.
5. New claims 29 and 30 claim the limitation of the container being made of a flexible fabric. Support for these amendments is found on page 9, lines 1 and 2 of the PCT application as filed. Acceptance of this amendment is respectfully requested.
6. New claim 31 is an independent claim incorporating the material of claims 16 and 19 of the claims as previously presented in the original application. This material was deemed allowable by the Examiner in the first Office Action and acceptance and allowance of this claim is respectfully requested.
7. New claim 32 is a dependent claim of new claim 31 and incorporates the material from claim 20 that the Examiner had previously deemed as allowable. Acceptance of this amendment and this claim is respectfully requested.

### ***Claim Rejections - 35 USC §102***

8. The Examiner rejected claims 1-3, 16, and 17 under 35 U.S.C §102(b) as being anticipated by Mott.
9. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d. 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 828 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). MPEP § 2131.

10. The present invention claims a method for handling waste that utilizes moveable containers having adjustable buoyancy. The device shown in the Mott invention does not include this feature. The Mott device teaches as is shown in column 3, lines 74 to 75 of that reference that the storage tanks are imbedded within the floor of the ocean. These containers that are shown in the referenced invention are therefore not adjustably buoyant as is claimed in the present invention, but rather are submerged into the ocean floor.

11. In as much as the Mott reference fails to disclose all of the features of the present invention, the present invention is not anticipated by the Mott reference.

12. The Examiner has also rejected claims 16-18 as being anticipated by Blanchard et al.

13. The Blanchard et al. device does not teach this feature of utilizing containers that are adjustably buoyant. The Blanchard et al. device teaches containers that are made from concrete encased steel tanks. These containers are likewise not adjustably buoyant as is described in the present patent application, nor are they made of fabric such as is set forth in new claims 19 and 20.

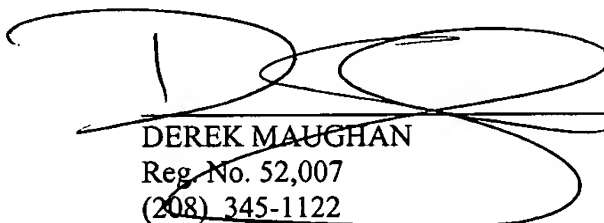
### *Conclusion*

Reconsideration and allowance of the application as amended is respectfully requested.

If the Examiner feels it would advance the application to allowance or final rejection, the Examiner is invited to telephone the undersigned at the number given below.

DATED this 4<sup>th</sup> day of March 2004.

Very respectfully,

  
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